

Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, September 27, 2005.

A special meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 27, 2005 at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse, 19 North Ninth Street, Clarkdale, Arizona.

Town Council:

Mayor	Doug Von Gausig
Vice Mayor	Jerry Wiley
Councilmember	Frank Sa
	Patricia Williams (absent)
	Tim Wills

Town Staff:

Town Manager	Gayle Mabery
Town Clerk	Joyce Driscoll
Town Attorney	Anna Young
Com. Dev. Director	Steven Brown
Public Works Manager	Steven Burroughs
Police Chief	Pat Haynie

Others in Attendance: David and Linda McDonough, Robyn Prud'homme-Bauer, Ellie Bauer, Mary Beth Carlile, Bill Eich, Enalo Lockard and Mrs. Scott.

AGENDA ITEM: CALL TO ORDER - Mayor Von Gausig called the meeting to order at 6:02 p.m. and noted that Councilmember Williams was absent due to illness.

AGENDA ITEM: PUBLIC COMMENT - None.

AGENDA ITEM: CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

Vice-Mayor Wiley moved to approve Items A through I. Councilmember Sa seconded and the motion passed unanimously.

A) Board & Commission Appointments - Approval of Resolution #1164 making appointments to the Library Advisory Board.

B) Board & Commission Appointments -

Approval of Resolution #1165 making appointments to the Parks and Recreation Commission.

C) Board & Commission Appointments

Approval of Resolution #1166 making appointments to the Planning Commission.

D) Board & Commission Appointment -

Approval of Resolution #1167 making an appointment to the Design Review Board.

E) Board & Commission Appointments -

Approval of Resolution #1168 making appointments to the Board of Adjustments.

F) Agreement - Approval of an agreement between Tuzigoot National Monument and the Town of Clarkdale for Fire and Emergency Services.

G) Agreement - Approval of an Intergovernmental Agreement between the Yavapai County Flood Control District and the Town of Clarkdale for local drainage improvement assistance.

H) Agreement - Approval of an agreement between the Towns of Jerome and Clarkdale regarding the Jerome Subdivision.

I) Resolution - Approval of Resolution #1169 adopting the National Incident Management System (NIMS), a Homeland Security initiative and Mandate to standardize response to emergencies and disasters nation-wide.

WASTEWATER TREATMENT PLANT DESIGN

- Acknowledgement of bond being posted by Mountain Gate and authorization for Staff to proceed with wastewater treatment plant design.

Public Works director Burroughs stated that staff was directed to informally look at the costs of engineering for the current firm compared to the average costs of four other firms. The current firm came in below average. It was noted that the current

wastewater engineer was selected through a Requests for Qualifications process.

There was discussion concerning closely watching costs during the project.

Councilmember Sa moved to authorize staff to proceed with the wastewater treatment plant design. Vice-Mayor Wiley seconded and the motion passed unanimously.

Without objection, Mayor Von Gausig took the presentation next.

PRESENTATION – A presentation from representatives of the Verde Valley Land Preservation Institute.

Mary Beth Carlile introduced the members of the executive board - Bill Eich, Enalo Lockard, and Pat Williams (absent).

She stated this group evolved from the 2002 Verde Valley Forum. They represent the Verde Valley, not individual communities. Land preservation is a delicate issue, they are not anti-development, but they want more control. A Large project they have worked on is a map of desirable open space areas. They have worked on the East Mingus task force formed by the forest service to discuss desirable forest service exchange areas. They formed a federal conservation easement on old Fox Ranch, which allows the owners to live on the property and receive funds for the granting of the easement. They are working on conservation with the other party about another conservation easement of 110 acres. They goals for the future include some changes to their organizational structure. They are looking for priority lands to be preserved for open space. There are advantages of using open space in developments.

Bill Eich shared the existing conditions map they developed. He noted the regional forest service plans currently underway. The Farm/Ranch Protection Program was used for Fox Ranch. It must be ranch land or historically significant land to use this federal program. There was discussion of this process, including funding sources. He noted that Young's Farm attempted to create a conservation easement, but funds could not be raised, so it will be

developed. The group came up with a report on East Mingus giving Prescott Forest Service input. The report is on the VVLPI website. He described map features and discussion followed.

Enalo Lockard described the four elements of their regional plan, including land use/open space. The group is encouraging communities to designate open space.. They are hoping to complete a regional plan by mid-summer 2006.

There was discussion of the following issues:

1. Proposed buffer areas between communities.
2. Opportunities to implement open space through purchase or conservation easements, including a program done in California where businesses solicited \$1.00 from customers that were put into a county trust account.
3. The area currently under a development agreement with Phelps Dodge as a riparian area.
4. 1800 acre parcel in the foothills taken out of the Ruskin land trade, currently owned by the forest service.

WORKSESSION – A worksession to discuss requests for the abandonment of public right-of-ways, including a right-of-way located in the Paz and Cota subdivision.

Community Development Director Brown stated that staff would like direction as to in what instances Council would like to pursue the abandonment of public rights-of-way. Council discussed that each case is different and noted that Paz and Cota is an odd design. Council discussed ownership of the properties as well as the topography. Community Development Director Brown noted that zoning in the area is R1. Other abandonments have been granted by the Council in the past. Council discussed the overall challenges and impracticality of the original plat design.

Mrs. Scott, also speaking on behalf of Mr. Ellison (property owner on the other side of the right-of-way stated the lot she owns is only 60 feet wide. Mr. Ellison would acquire one half of the right-of-way

and then sell it to her. This would result in a standard 100 foot lot.

Council discussed processes to abandon or sell a right-of-way and past abandonments.

Council directed staff to obtain legal advice to ensure the abandonment is done in a way that it is contingent for Mrs. Scott to acquire the property.

Without objection, Council took the Heritage Conservancy Board appointments next.

BOARD & COMMISSION APPOINTMENT – Discussion and consideration of a Resolution making appointments to the Heritage Conservancy Board.

Vice-Mayor Wiley reported that the interview committee felt that both Mr. Blair and Mr. Hunseder were good applicants. The committee recommended Mr. Blair, although they would like to see Mr. Hunseder get involved as a volunteer in another capacity.

Vice-Mayor Wiley moved to adopt Resolution #1170, amending Resolution #1118, making appointments to the Heritage Conservancy board of the Town of Clarkdale. Councilmember Wills seconded and the motion passed unanimously.

WORKSESSION - A worksession to discuss a request for the abandonment of a portion of Western Drive.

Councilmember Sa excused himself, explaining that he had a conflict of interest because he owns property bordering the street that is the subject of this item and left the meeting at 8:30 p.m.

Community Development Director Brown presented the staff report, as follows:

Background

The applicants, David and Linda McDonough, have requested that Council consider abandoning that portion of Western Avenue adjacent to APN 400-06-014F, which is the property owned by the applicants. Included with the information they presented is a plat map approved by the Town Council and signed by the mayor on January 12, 1960 accepting dedication of Western Avenue within the Rio vista subdivision and showing the extension of Western

Avenue across the railroad right-of-way and connecting to Main Street. Additional information provided by the applicant was a survey for .83 acres adjacent to Zuni Drive and the railroad right-of-way. This survey show Western as an ingress and egress easement only, but does not show Western Avenue connecting through to Main Street. The attached petition and assessor's map, presented by the applicant, also has Western stopping at the railroad right-of-way.

There are a number of general issues associated with the abandonment of this portion of Western Avenue or any abandonment of a dedicated right-of-way. These include fire, police and emergency vehicle concerns, infrastructure placement, future development and the status of this right-of-way/easement.

Recommendation:

Staff recommends that the Council discuss with the applicants their proposal and with staff the process of roadway abandonment in general. Staff further recommends that the Council direct staff to develop an application-assessment process for Council review that defines a uniform application process for the abandonment of a dedicated right-of-way.

Mayor Von Gausig noted that there are two Western Drives, the right-of-way and where Western Drive was built. He feels this is an opportunity to get the right-of-way dedicated for the location where the road exists and to improve it, and then to abandon the current legal right-of-way. Discussion included the following issues:

1. Emergency access.
2. Future Development of the neighboring Verde Valley Professional Center Partners property.
3. Working with the railroad's right-of-way.

David McDonough stated the road was created for access from Cottonwood before there was a Park Street and Rio Vista Subdivision. When Rio Vista was developed in the 1960s, Park Road was built from Broadway to Western Avenue. Ingress and egress was off Western Avenue, but the road was never maintained. He noted they had submitted a petition of concerned persons. The road is an extremely narrow seven-foot travel lane. Concerns

include speeding if it is improved. He contends the road survey is flawed and it was never intended to go through their property. The road falls short of Main Street, dead ending at the railroad easement. They feel the town needs to clarify the situation and liability issues. They asked the Council to abandon both roads, Western Avenue as a through fare and the 1960 right-of-way.

Linda McDonough stated that on the 1993 survey Mr. Cohen has a 20-foot easement for access.

Vice-Mayor Wiley stated he looked at three maps. All of them showed the property the same, but the road was different. He expressed concern about emergency access.

Community Development Director Brown noted the altered location of the road on the recorded map of the Rio Vista Subdivision in March 1960.

David McDonough stated they want to see it blocked for public access, but allow fire access.

Community Development Director Brown noted the it was not just emergency access that was a concern, but circulation in general. Mayor Von Gausig stated that a connection between Main and Western is a valuable connection.

Linda McDonough shared a 1955 aerial photograph of the area.

The Council discussed prescriptive rights (use over time giving legal rights) and the narrowness of the existing traveled road, the area and the topography.

Police Chief Haynie stated that the police have used the road for the eighteen years he has been with the town. On the west side of town they have two ways to access every area. He is concerned about losing access on Park Road and then not having emergency access to the area because there are lots of natural barriers. The Town needs to keep continuity in subdivisions regardless of past mistakes.

Council directed staff to meet with the parties to perfect the current alignment as it is used and abandon the unused right-of-way and bring the information back to the Council.

AGENDA ITEM: FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

1. A worksession to discuss a request for the abandonment of a portion of Western Drive.

AGENDA ITEM: ADJOURNMENT - With no further business before the Council, and without objection, the meeting adjourned at 9:12 p.m.

APPROVE:

Doug Von Gausig, Mayor

ATTEST:

Joyce Driscoll, Town Clerk

SUBMIT:

Charlotte Hawken, Admin. Assistant